

Town Of Rockport



Street Performer License Application

Please complete application in full and return with a \$30 check made out to the "Town of Rockport" to the Selectmen's Office, 34 Broadway, Rockport, MA. 01966

Applicant's Name: _____

Organization (if applicable): _____

Sponsor (if applicable): _____

Address: _____

Telephone: _____

Type of Performance: _____

Amplification: Y / N If yes, please explain: _____

Musical Instrument: _____

Requested Performance Location(s): _____

Requested Performance Dates and Times: _____

I have read and agree to comply with the Rockport Street Performer Policy.

Approved: _____

Town Administrator

Date

(Applicant's Signature)

**CRIMINAL OFFENDER RECORD INFORMATION (CORI)
ACKNOWLEDGEMENT FORM**

TO BE USED BY ORGANIZATIONS CONDUCTING CORI CHECKS FOR EMPLOYMENT, VOLUNTEER,
SUBCONTRACTOR, LICENSING, AND HOUSING PURPOSES.

Town of Rockport is registered under the provisions of M.G.L. c. 6, § 172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licensees, and applicants for the rental or lease of housing.

As a prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the DCJIS. I hereby acknowledge and provide permission to Town of Rockport to submit a CORI check for my information to the DCJIS. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing Town of Rockport written notice of my intent to withdraw consent to a CORI check.

FOR EMPLOYMENT, VOLUNTEER, AND LICENSING PURPOSES ONLY:

the Town of Rockport may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that Town of Rockport must first provide me with written notice of this check.

By signing below, I provide my consent to a CORI check and acknowledge that the information provided on Page 2 of this Acknowledgement Form is true and accurate.

SIGNATURE

DATE

SUBJECT INFORMATION: (A red asterisk (*) denotes a required field)

*Last Name *First Name Middle Name Suffix

Maiden Name (or other name(s) by which you have been known)

*Date of Birth Place of Birth

*Last Six Digits of Your Social Security Number: _____ - _____

Sex: _____ Height: _____ ft. _____ in. Eye Color: _____ Race: _____

Driver's License or ID Number: _____ State of Issue: _____

Mother's Full Maiden Name Father's Full Name

Current and Former Addresses:

Street Number & Name City/Town State Zip

Street Number & Name City/Town State Zip

The above information was verified by reviewing the following form(s) of government-issued identification:

VERIFIED BY: _____

Name of Verifying Employee (Please Print)

Signature of Verifying Employee

TOWN OF ROCKPORT CORI POLICY

I. PURPOSE

This Policy outlines the requirements for the criminal history screening of prospective and current employees, subcontractors, volunteers and interns and professional licensing applicants.

II. APPLICATION

State law and regulations govern the use of Criminal Offender Record Information (CORI) and other criminal history checks by a municipality. When such checks are conducted, such as in connection with an application for employment, volunteer work or licensing purposes, the following practices and procedures will be followed. Violations of CORI laws and regulations are actionable in accordance with state law, and may also result in disciplinary action against an employee found to have violated said laws and regulations, up to and including termination from employment.

III. POLICY

A. Access to CORI

All CORI obtained from the Massachusetts Department of Criminal Justice Information System (DCJIS) shall remain **CONFIDENTIAL**, and CORI may only be disclosed to those individuals who have a "need to know," the information in order to fulfill their duties. This may include hiring managers, staff submitting the CORI requests, and staff charged with processing applications. However, every effort will be made to limit the number of individuals authorized to access or receive CORI. The Town must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

Pursuant to state regulations, all CORI certifications must be renewed annually, and any persons authorized to access CORI are required to be retrained annually.

B. Training

All personnel authorized to review or access CORI, which includes all personnel authorized to conduct criminal history background checks, shall review and be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

C. Conducting CORI Screening

CORI checks will only be conducted as authorized by the DCJIS and G.L. c. 6, § 172, and only after a CORI Acknowledgement Form has been completed by the individual to be checked.

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours' notice that a new CORI check will be conducted.

In accordance with state regulations, prior to running a CORI check, the applicant's identity will be verified with government-issued photographic identification (such as a driver's license or passport). If the individual has not been issued such a form of identification, then the applicant's information will be verified with a government-issued non-photographic identification, such as a birth certificate or social security card, or other identification authorized by DCJIS. The Town shall maintain a copy of this identification, together with the CORI Acknowledgment Form, on file for at least one year from the date the Form was signed by the applicant.

In no instance will the applicant be asked or required to provide a copy of his/her own CORI.

D. Use of Criminal History in Employment Background Screening

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position and meet all other requirements for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this Policy and any applicable law or regulations.

E. Use of a Credit Reporting Agency to Conduct CORI Checks

If a Credit Reporting Agency (CRA) is used to conduct CORI checks on applicants, the Town will comply with the state regulations particular to use of a CRA.

F. Verifying Subject's Identify Once CORI Record is Received

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

G. Inquiring About Criminal History

In connection with any decision regarding employment, volunteer opportunities or licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history, and **PRIOR** to making any adverse decision based upon the applicant's criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

H. Determining Suitability

If a determination is made, based on the information as provided in Section F of this Policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this Policy and any applicable law or regulation. Factors to be considered in determining suitability may include, but not be limited to, the following:

- (1) Relevance of the offense(s) noted on the record to the position or license sought;
- (2) The nature of the work to be performed (where applicable);
- (3) Time since the conviction;
- (4) Age of the candidate at the time of the offense;
- (5) Seriousness and specific circumstances of the offense;
- (6) The number of offenses;
- (7) Whether the applicant has pending charges;
- (8) Any relevant evidence of rehabilitation or lack thereof; and
- (9) Any other relevant information, including information submitted by the candidate or requested by the organization.

Whenever possible, the applicant is to be notified of the decision and the basis for it in a timely manner.

I. Adverse Decisions Based on CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified promptly. The subject shall be provided with copies of: 1) the organization's CORI Policy; 2) the criminal history at issue, indicating the source(s) of said criminal history; and 3) DCJIS' *Information Concerning the Process for Correcting a Criminal Record*, or other similar information published by DCJIS relating to the process for correcting CORI.

The subject will then be provided with a reasonable opportunity to dispute the accuracy of the CORI record and/or submit additional information. In most instances, that reasonable opportunity shall be seven (7) calendar days from date of notification from the Town of the potential of an adverse decision, unless there are extenuating circumstances. Upon the timely receipt of additional documentation/information from the applicant and/or the DCJIS, the Town shall review the information. If the CORI record does not exactly match the identification information provided by the applicant, the Town will make a determination based upon a comparison of the CORI record and documentation provided by the applicant. The Town shall document all steps it takes in this regard.

In the case of license applications, the Town will additionally provide the applicant with information regarding any applicable appeal process, including the opportunity to dispute the accuracy of the CORI at issue.

J. Maintenance of CORI

All CORI information, including CORI Acknowledgment Forms and copies of government-issued identification, will be maintained in a secure fashion. This means that hard copies will be stored in a separate, locked, location; electronically-stored CORI will be password protected and encrypted. No CORI shall be stored using public cloud storage methods. CORI shall be destroyed within seven years from: the date of hire, or date of entrance into volunteer service (employment); date of licensing decision (licensing); last date of residency or date of housing decision (housing), whichever is later. Destruction shall occur by shredding or other similar means (hard copies), prior to disposal. Electronically-stored CORI shall be deleted from all hard drives on which they are stored and from any system used to back up the information. Appropriate measures shall be taken to "clean," any computer used to store CORI, prior to disposal or repurposing of such a computer.

K. Secondary Dissemination Logs

All CORI information obtained from the DCJIS is **CONFIDENTIAL** and can only be disseminated as authorized by law and regulation. A central "secondary dissemination log," shall be used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject. That log must contain the following information: 1) the applicant/subject's name; 2) the applicant/subject's date of birth; 3) the date and time of dissemination; 4) the name of the person to whom the CORI was disseminated, including the name of the organization for whom the person works (if applicable); and 5) the specific reason for the dissemination. These logs must be maintained for at least one year from the date of dissemination; they may be maintained electronically or on paper in the same secure manner as other CORI information; and are subject to audit by DCJIS.

Rockport Board of Selectmen
Adopted: June 24, 2014

Street Performer – Policy #20-11

Adoption Date: February 18, 1997 **Revision Date(s):** July 1, 2007
October 2, 2012
July 8, 2014
August 5, 2014

Purpose: The existence of street performers in Rockport provides a public amenity that enhances the character of the community. The Town seeks to support such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes, business owners to public access to their businesses and public safety.

Definitions: A. *Perform* – includes, but it not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading and reciting.

B. *Performer* – a person who has obtained a permit pursuant to this policy.

Prohibition: No person may perform in a public area without a license pursuant to this policy.

Standards for Issuance or Denial:

- A. An application for a license shall be in writing on the approved application form completed in full, signed by the applicant and submitted with the application fee of thirty (\$30) dollars to the Selectmen's Office. The application fee may be waived at the Board's discretion for performances given for non-profit purposes.
- B. If so requested, the applicant will be required to provide additional information pertaining to the details of the requested performance. If so requested, the applicant will also be required to appear before the Board of Selectmen at one of its regularly scheduled public meetings to discuss the nature and details of the requested performance.
- C. The Board reserves the right to deny a license if it deems the performance would create a nuisance or would endanger the public health, safety or order by unreasonably increasing pedestrian traffic, or the incidence of disruptive conduct, or the level of disruptive noise in the area in which the performance is requested to take place.
- D. A license shall be nontransferable and shall contain the applicant's name, date(s) and locations(s) in which the license is valid. The license shall be valid only for the dates and locations approved by the Board and specified on

the license. Each member of a group of performers who play together shall be required to obtain an individual license.

Possession of License: The performer must carry the license on his/her person at all times while performing and allow inspection of the license by any Rockport police officer, if so requested.

Performance Locations: Performances may take place only in the following public areas:

- End of Bearskin Neck
- Island at Dock Square
- Donovan's Corner
- Other locations considered on a case-by-case basis and so authorized by the Board.

Times: Performances may take place Monday through Saturday between 10:00 a.m. and 9:00 p.m., and Sunday between 12:00 p.m. and 9:00 p.m. Street Performers may perform one weekday and one non-consecutive weekend day, however, there will be no performances allowed on special Rockport Festival days (Motif #1 Day and the Harvest Festival). Street Performers (excluding Artists and Crafters) may perform a maximum of three (3) consecutive hours.

Other Restrictions:

- A. No performer or group of performers may generate excessive musical or other noise as to create a public nuisance. Prerecorded backup music is not allowed. The Licensee shall perform at a volume no louder than would reach the immediate audience. Violation of this condition may result in license revocation. The Rockport Police will investigate complaints of excessive noise, will give a verbal first warning, and may revoke the permit after substantiating another complaint.
- B. No performer or group of performers may perform less than one hundred (100) feet from another performer or group of performers.
- C. A performer may request contributions at a performance, provided that no sign requesting contributions shall exceed 8 ½ x 11 inches in size. Contributions may be received in a receptacle, such as an open musical instrument case, box or hat.
- D. No performer may obstruct pedestrian or vehicle passage along a public sidewalk or way. The placement of a blanket or covering over any public sidewalk or way is also prohibited.
- E. No performer may display or sell any goods, wares or other merchandise, including books and/or recordings.
- F. No performers under the age of fourteen (14) shall be allowed to perform without a parent present.

Violations:

A. Whoever violates any provision of this policy may be penalized by a noncriminal disposition as provided for in MGL C. 40, Sec.21D. The penalty for each violation shall be one hundred dollars (\$100).

B. A performer who provides false information on the application may have his/her license permanently suspended. If a performer is found to be in violation of any other provision of this policy, the Chief of Police or his designee may suspend the license for no more than thirty (30) days. Any license holder who wishes to dispute a suspension may appeal in writing to the Board of Selectmen.
